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Stop And Account: Amendment To Pace Code A

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Broad Subject: Police Service

Sub Category: Operational Policing, Police powers

This Circular informs changes to the recording and reporting processes under Code of Practice A issued under Section 60(1) (a) of the Police and Criminal Evidence Act 1984.

2. From 1 January 2009, a police officer or member of police staff conducting an encounter under paragraphs 4.11 – 4.20 of Code A will be required to record only the ethnicity of the person. Whilst the change removes the form filling process, it maintains the important requirement to record the ethnic classification of the person and to provide the person with a receipt of the encounter.

3. The recording of ethnicity for stop and account is key information. This enables the police and the local community to monitor and supervise the exercise of the stop and to measure and take appropriate action to tackle disproportionality.

4. The introduction of the recording requirement in 2005 was to ensure that officers would be accountable for stop and account and that the levels of use against all members of the community but particularly black and minority ethnic communities could be monitored and evidence of disproportionality tackled. That remains the core objective of the new recording requirement and why the focus is on recording ethnicity.

5. The information gathered from stop and account on ethnicity is a key source of how the

police and police authorities interact with the public at neighbourhood level, force level and nationally. The new minimum recording requirement on stop and account is a reflection of that importance. In accordance with PACE Code A, supervisory management must monitor the exercise of stop and account and ensure that it is fully in compliance with the Code.

6. I have attached a short Q & A on stop and account (Annex A) and attached a tracked version of the amendments to Code A (Annex B). Links to the PACE webpage and to the secondary legislation are below. The PACE webpage will be updated on 31 December with the clean version of the revised PACE Code A.

7. ACPO and the NPIA will be issuing formal guidance in the New Year. This will include guidance on ongoing monitoring and evaluation of stop and account.

8. Forces should consider adding the link to the APA webpage <http://www.apa.police.uk/apa> on the receipt and other material that they may issue. The APA webpage also provides access to a downloadable poster on stop and a web-based survey that APA can monitor people's experiences of stop and account.

ALAN BROWN
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PACE webpage:
<http://police.homeoffice.gov.uk/operational-policing/powers-pace-codes/pace-code-intro/>

Statutory Instrument 2008 No.3146: http://www.opsi.gov.uk/si/si2008/uksi_20083146_en_1

Explanatory Memorandum:
http://www.opsi.gov.uk/si/si2008/em/uksiem_20083146_en.pdf

APA webpage
<http://www.apa.police.uk/apa>

APA Survey
https://www.surveymonkey.com/s.aspx?sm=zrrFO5yjcdNrIRVIGVaEaQ_3d_3d.

Annex A: Q & A

Annex B: Revised PACE Code A with tracked changes.
NB: Note for Guidance 21 will be amended to remove reference to paragraph 4.13A; Note for Guidance 22 will be deleted; and reference to Note for Guidance 22 will be deleted from paragraph 4.2A.

View attachments here:
[Annex A - Q&A.doc](#)
[Annex B Code A 31.12.08 \(tracked\).doc](#)

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Q & A

Q. Why have changes been made to Code A on stop and account recording now?

A. Recommendation 61 of the Macpherson report into the death of Stephen Lawrence called for the police to record all stops as well as searches. A recent assessment by Sir Ronnie Flanagan (The Review of Policing published by HMCIC in February 2008) into the impact of the recording requirement since its introduction in April 2005 concluded that police have gone further bureaucratically than was intended by the Macpherson report.

Q. Why do you not simply remove the whole recording requirement?

A. The Macpherson recommendation raised an important issue on the interaction between the police and members of ethnic communities. That information must be maintained in order to look at levels of unfair disproportionality in the exercise of stop and account.

Q. The recording requirement was introduced in response to community concerns about lack of police accountability and disproportionate use. How can reducing the recording requirements improve that?

A. The actual stop and account can last a matter of seconds. Completing the record can last several minutes on the street. It is the recording process and the request for personal information which can exacerbate the contact between the police and the community, not the actual stop and account. Cutting out the bureaucracy will minimise the delay and inconvenience for the individual but the police will still be required to report the levels of stop and account and the ethnic breakdown of those stopped.

Q. Does this mean that the person cannot complain about the handling of a stop and account?

A. The person right to expect fair and just treatment is not impacted in any way. Instead of a record of the stop, they will be provided with a receipt. If they are not satisfied with the handling of the stop, they can make a complaint in the normal way. The receipt should summarise their rights and explain what to do if they wish to complain about the handling of the encounter.

Q. Are you going to scrap the stop and search form?

A. Police officers can already provide a receipt when the details of a stop and search at the point of contact are recorded electronically. We will continue to promote the use of technology to make things easier from the officer and less intrusive for the individual. But, in view of the more intrusive nature of a stop and search, the officer must make a full record and a copy of that record must be available to the person for up to 12 months. We are looking at the level of information currently being collected.

Q. Do we still have to meet the ADR requirement for stop and account?

A. Yes. The statistics on stop and account are an important element in understanding police/ community contact and in measuring how the local community, particularly BME communities, are subject to police powers.

Q. What if I want to record personal details for intelligence purposes?

A. There is nothing to prevent an officer in any situation from requesting and noting information in relation to his or her contact with an individual. That is an operational decision for the officer based on the circumstances of the situation. A person subject to a stop and account is not required to provide personal information.

Q. What if the person is not satisfied with the handling of the encounter?

A. The receipt of the encounter should provide details of contact points to take the matter further. This should include reference to the APA website that includes useful information as well as a survey for members to complete of their experiences during stop and account.

Q. On **stop and search**, can I issue a receipt?

A. Only in the circumstances set out in paragraph 4.10A of PACE Code A. This ability has been in place since 2006 but we have clarified the text in the light of feedback from some officers. A record must be made for all stop and searches and the person is entitled to a copy of that record for up to 12 months.